

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DINO CONSTANCE,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

CASE NO. C15-5426 RBL-KLS

ORDER FOR SERVICE AND  
ANSWER, § 2254 PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. The Court, having reviewed petitioner's federal habeas petition, hereby finds and **ORDERS** as follows:

(1) The Clerk shall arrange for service by certified mail upon respondent and upon the Attorney General of the State of Washington, of copies of the Petition (Dkt. 1, pp. 1-49 through Dkt. 1-1, pp. 1-2)<sup>1</sup>, memorandum in support, and a copy of this Order. The Clerk shall also send a copy of this Order and of the Court's *pro se* instruction sheet to petitioner.

<sup>1</sup> Respondent is referred to CM/ECF for Petitioner's exhibits. See Dkt. 1-1, pp. 13-50, and all attachments found at Dkt. 2. Because the exhibits are voluminous, they have not been copied and attached to this Order.

1           (2)     Within *forty-five (45) days* after such service, respondent(s) shall file and serve an  
2 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States  
3 District Courts. As part of such answer, respondent(s) shall state whether petitioner has  
4 exhausted available state remedies and whether an evidentiary hearing is necessary.  
5 Respondent(s) shall not file a dispositive motion in place of an answer without first showing  
6 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of  
7 the Court and serve a copy of the answer on petitioner.

8           (3)     The answer will be treated in accordance with LCR 7. Accordingly, on the face  
9 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.  
10 Petitioner may file and serve a response not later than the Monday immediately preceding the  
11 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply  
12 not later than the Friday designated for consideration of the matter.

13           (4)     Filing by Parties, Generally

14           All attorneys admitted to practice before this Court are required to file documents  
15 electronically via the Court's CM/ECF system. All non-attorneys, such as *pro se* parties and/or  
16 prisoners, may continue to file a paper original with the Clerk. All filings, whether filed  
17 electronically or in traditional paper format, must indicate in the upper right hand corner the  
18 name of the magistrate judge to whom the document is directed.

19           For any party filing electronically, when the total of all pages of a filing exceeds fifty  
20 (50) pages in length, a paper copy of the document (with tabs or other organizing aids as  
21 necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must be  
22 clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."  
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1 Any document filed with the Court must be accompanied by proof that it has been served  
2 upon all parties that have entered a notice of appearance in the underlying matter.

3 (5) Motions

4 Any request for court action shall be set forth in a motion, properly filed and served.  
5 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
6 part of the motion itself and not in a separate document. The motion shall include in its caption  
7 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
8 consideration on the Court's motion calendar.

9 (6) Direct Communications with District Judge or Magistrate Judge

10 No direct communication is to take place with the District Judge or Magistrate Judge with  
11 regard to this case. All relevant information and papers are to be directed to the Clerk.

12 Dated this 1st day of July, 2015.

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15 Karen L. Strombom  
16 United States Magistrate Judge  
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